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SH2236597

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 01-24-09	Bureau/Station/Facility: Gang Enforcement Team	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 009-01387-2812-013	Date: 01-24-09 Time: 2233 hours
City or Station: Compton Station	Nature of Incident: Deputies saw two male suspects attending a party armed with handguns. When Deputies ordered suspects to stop, both suspects ran from Deputies. As Deputies followed Suspect Badillo, he turned towards Deputies pointing a handgun. Both Deputies fired their duty weapons hitting the suspect. He was pronounced dead at the scene Second suspect was not found in containment, a second gun was recovered.
Location [redacted] West 137th Street Compton, CA 90220	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, (Residence), Rural, School, Street, Other: ____

Lighting (*circle only one*): Darkness, Daylight, Other, (Street Lights)

Weather (*circle only one*): (Clear), Cloudy, Fog, Rain

Distance: 5'

Incident Type (*circle one or more*): Accidental, (Armed Person), (Fleeing Suspect), (Foot Pursuit), Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, (Observation), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
6	None	☒	☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Magadan	Raul		EM (PM) Day	(Regular) Overtime Off Duty
[redacted]	Ramirez	Henry		EM (PM) Day	(Regular) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Iketani	Douglas	M	(On Duty), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Octave	Charmichael	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Burks	Kyle	

PSTD Use Only

SH # 2236597

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

URN: 009-01387-2812-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
01-24-09	0005 hrs	12-30-10	

Employee #	Last Name	First Name	M.I
[redacted]	Haynes	Laura	L
[redacted]	Stunson	Dave	J
[redacted]	Kusch	Roderick	A

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1,2	UC						
S#1	E#1,2	RS						
S#1	E#1,2	FH	SW	45			NN	
E#1	S#1	FH	BR	9	Y	Y	DH	AD
E#2	S#1	FH	HK	45	Y	N	DH	LE

Officer Involved Shooting
Involved Employee Information

URN: 009-01387-2812-013

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: Race: [redacted]	Rank [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted]	ShiftType (*circle only one*): [redacted]	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 6	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) — circled: Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: [redacted]	Weight: [redacted]	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9mm	# Shots 4	Weapons Fired Brand: / Caliber / # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name Orozco	First Name Samuel	M.I.
Sex: M Race: H	Rank Deputy Sheriff	Unit Assignment: GET	Work Assignment (Unit #, Module, etc.): 280G1
ShiftTime (*circle only one*): EM (PM) Day — circled: PM	ShiftType (*circle only one*): (Regular) Overtime Off Duty — circled: Regular	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest) — circled: Uniform w/ Vest	Other Factors:
Age: [redacted]	Height: 5' 10"	Weight: 180	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: H&K	Caliber .45	# Shots 2	Weapons Fired Brand: / Caliber / # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: / Caliber / # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 009-01387-2812-013

Suspect Information

S 1

Last Name: Badillo		First Name: Ricardo	M.I. M.
AKA Last Name: "Psycho"		First Name:	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 22 D.O.B. 04-27-86	Height: 5' 8" Weight: 180	FBI # [redacted]	CII # [redacted]
Booking # deceased	Primary Charge: 664/187(a) PC	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2009-00671	Intoxication/Drug Usage? ☒	Substance Used: marijuana
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S 2

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING - SUSPECT DECEASED
IAB #SH2236597
FILE #009-01387-2812-013

Involved Employee:	**[redacted] Deputy Sheriff, #[redacted]** **Samuel Orozco, Deputy Sheriff, #[redacted]**
Employee Witness:	**Raul Magadan, Deputy Sheriff, #[redacted]** **Henry Ramirez, Deputy Sheriff, #[redacted]**
Date:	**January 24, 2009 (Saturday)**
Time:	**Approximately 2230 hours**
Location:	**[redacted] West 137th Street** **Compton, California 90220**

OPENING STATEMENT:

At the above date and time, Gang Enforcement Deputies [redacted] and Orozco, while assigned to the Compton Station area were involved in a shooting with Suspect Ricardo Manuel Badillo, MH/22. The suspect was shot after he ran from deputies, carrying a weapon, then turned on the deputies pointing the weapon at them. Both deputies fired at Suspect Badillo who died at the scene. Internal Affairs Bureau Lieutenant Rod Kusch and Sergeants Laura Haynes and Dave Stunson responded to the command post, and later to the scene.

Deputies [redacted] and Orozco were [redacted] a party in the courtyard of the apartments at [redacted] West 137th Street. They were in a hidden position and saw several gang members attending the party. The location is a known hang out for "Barrio 13" or "B13" gang members. Several arrests of "B13" gang members in possession of firearms, have been made in the area. They communicated their observations to Deputies Magadan and Ramirez, who are also assigned to the Compton Station Gang Enforcement Team. During their surveillance, they believed they had been seen by several of the gang members at the party. They advised Deputies Magadan and Ramirez to respond to the front of the apartment building on West 137th Street in their marked patrol car. Deputies Orozco and [redacted] moved from their position of concealment and the gang members started running through the courtyard toward 137th Street. As they neared the pedestrian gate at the south end of the courtyard, they observed the two suspects ahead of them had handguns in their hands. The suspects exited the courtyard onto West 137th Street, Deputies Orozco and [redacted] chased

Suspect Badillo who was running armed with a handgun. The other armed male hispanic ran south westerly, in the same direction of travel as Deputies Magadan and Ramirez. Deputies [redacted] and Orozco continued chasing Suspect Badillo who continued across West 137th Street. Both deputies ordered the suspect to drop the gun and stop. Suspect Badillo refused to drop the gun, or stop, and ran between two parked vehicles on the south side of West 137th Street. As he ran between the vehicles, he turned and pointed the gun at the deputies. Fearing for their lives, both deputies fired at the suspect, striking him.

Deputies Magadan and Ramirez arrived in front of the apartment building just as the two suspects emerged from the pedestrian gate of the apartment courtyard. They saw that both suspects were armed with handguns. Suspect #2 crossed in front of their patrol car and ran through the pedestrian gate, which led into the courtyard of the apartments at [redacted] West 137th Street. As they were following Suspect #2, they heard several shots from the direction they had last seen Deputies Orozco and [redacted] They immediately responded to assist. Containment was established and a search for Suspect #2 met with negative results.

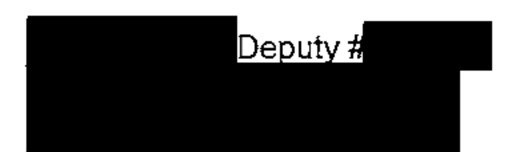
Suspect Badillo sustained multiple gunshot wounds to the upper torso. He was pronounced dead at the scene.

No deputies were injured.

Suspect Badillo's loaded .45 caliber semiautomatic pistol was recovered at the scene. The second suspect's loaded .38 caliber revolver was found in the rear yard of [redacted] West 138th Street. Two expended .45 caliber shell casings and four 9mm shell casings were recovered at the scene.

> **IAB Note**: IAB Lieutenant Rod Kusch checked to see that the watch commander, Lieutenant Kyle Burks, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Kusch checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor (OSSB Sergeants Frederick Reynolds and Dana Ellison) until they have provided a statement to the assigned investigators.

INVOLVED PERSONNEL:



[redacted] Deputy # [redacted]

Work History:

[redacted]

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

Orozco, Samuel, Deputy # [redacted]
Field Operations Region II
Gang Enforcement Team

Work History:

Orozco, Samuel:

Date of Employment: 09-17-00 [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT:

Badillo, Ricardo Manuel MH/22, a.k.a."Psycho."

Criminal History:

Suspect Badillo had [redacted]
(Refer to **Exhibit A,** Homicide Book, pages 111 - 127 for Suspect Badillo's criminal history).



EMPLOYEE WITNESSES:

Magadan, Raul, Deputy #[redacted] Gang Enforcement Team

Ramirez, Henry, Deputy #[redacted] Gang Enforcement Team

INJURIES:

No deputies were injured during this incident.

Suspect Badillo sustained five gunshot wounds (Refer to **Exhibit A,** Homicide Book, pages 128 - 166 for Autopsy Report).

PHYSICAL EVIDENCE:

Physical evidence related to the crime scene, and collection of evidence (Refer to **Exhibit A**, Homicide Book, pages 75 - 86, and 101-105.)

Crime scene sketches not included in the Homicide Book (Refer to **Exhibit B,** crime scene sketch depicting 137th Street where the shooting took place, **Exhibit C,** crime scene sketch depicting 137th and 138th streets where evidence and second weapon were recovered, **Exhibit D**, crime scene sketch depicting 136th Street where Deputies [redacted] and Orozco observed the party).

INVESTIGATOR OBSERVATIONS:

Responding Internal Affairs Bureau Sergeants walked through the crime scene and noted the area had illumination from overhead street lights. There was nothing remarkable beyond what was reported and documented during the investigation.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy [redacted] fired four rounds from his department issued Beretta, model 92FS, 9mm Luger semiautomatic pistol bearing serial number BER[redacted] utilizing department issued "WIN" 9mm Luger caliber cartridges. The weapon and ammunition were found to be within specifications consistent with the Beretta pistol (Refer to **Exhibit A,** Homicide Book, page 107 for firearm description).

Prior to this shooting, Deputy [redacted] last qualification with this weapon was [redacted]

Deputy Orozco fired two rounds from his department approved Heckler and Koch, model USP, 45 Auto caliber semiautomatic pistol bearing serial number [redacted] utilizing department approved "WIN" 45 auto +P caliber cartridges. The weapon and

ammunition were found to be within specifications consistent with the Heckler and Koch pistol (Refer to **Exhibit A**, Homicide Book, page 106 for firearm description).

Deputy Orozco attended the four hours Off Duty Auto class on April 7, 2004 and qualified to carry his USP 45 pistol. Prior to this shooting, Deputy Orozco's last qualification with this weapon was on [redacted]

WEAPON USED BY SUSPECT:

Suspect Badillo was in possession of a .45 Caliber, "Smith and Wesson, Model #4516-1," stainless steel, with black plastic grips, and a loaded magazine seated in the magazine well, Serial #TED[redacted](Refer to **Exhibit A,** Homicide Book, page 76 Item #7 for firearm description and **Exhibit C, #11,** for placement of recovered firearm discarded by second suspect).

PROPERTY DAMAGE:

A red Toyota pick up bearing Texas license plate[redacted]was parked along the west curb line in front of[redacted]West 137th Street. The vehicle had a bullet impact on the passenger's side of the front hood just below the windshield. The bullet traveled slightly front to rear, left to right, and slightly downward. (Refer to **Exhibit A,** Homicide Book, page 78 Item A for description of Bullet Impact).

CRIMINAL INVESTIGATOR/CHARGE FILED:

None, suspect deceased.

LIGHTING AND WEATHER CONDITIONS:

The shooting took place during night time hours. The area was observed and described by Homicide investigators as having "numerous streetlights spaced along the south side of West 137th Street both east and west of the scene. However, these lights did not appear to factor into the ambient lighting of the crime scene at the time of the shooting. There is a streetlight located just west of the drive way to[redacted]West 137th Street, which extended north over the eastbound lane of traffic. The streetlight appeared to have provided ample lighting to a significant portion of the shooting scene."

INVOLVED EMPLOYEE STATEMENT:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the recorded interviews and transcriptions.

Deputy [redacted]:

Deputy [redacted] was interviewed at the **Internal Affairs Bureau Offices by Sergeants Laura Haynes and Julia Kiser** on August 19, 2010. He was represented by Helen Schwab of Green and Shinee.

Deputy [redacted] said prior to the shooting he and his partner, Deputy Orozco were driving in the area of 137th Street and Wilmington Avenue when they saw four "Barrio 13" gang members walking westbound in the street. Three were walking on one side of Wilmington Avenue, and one lone male was walking on the other side. As they went to contact the gang members, three ran south and one ran north. The deputies drove a short distance and caught up to the three who were stopped and detained. After searching them, the gang members were released as nothing illegal was discovered. The fourth gang member that ran was not relocated at that time.

> **IAB Note**: Deputies said during their interviews, while detaining the three gang members, they could hear loud music from a party on 137th Street.

Deputy [redacted] stated they met up with their sister car, Deputies Magadan and Ramirez, (280G2), told them of their contact with the three "Barrio 13" gang members, and that a fourth ran northbound toward the direction of the party on 137th Street. Deputy [redacted] stated he and Deputy Orozco contacted a female resident who lives on [redacted] and [redacted] (Refer to **Exhibit D** copy of sketch depicting location on [redacted]. [redacted]

After formulating a plan, Deputies Magadan and Ramirez were to park on Wilmington Avenue just north of 137th Street and be ready to respond to the party when notified via radio by Deputy [redacted] As Deputies [redacted] and Orozco positioned themselves in the [redacted] of [redacted] Deputy [redacted] over the [redacted] He observed the same gang members, one of which was the individual that ran north from them earlier in the evening. As they observed, one of the gang members noticed the deputies presence and yelled "Juda," which is Spanish for "Police," at the same time Deputies [redacted] and Orozco were jumping over the wall to contact them. Deputy [redacted] said he radioed to 280G2, "We're going over the fence," which was their cue to drive west on 137th Street, and intercept any suspects that ran from the party. The gang members immediately ran south through the apartment complex toward 137th Street.

One suspect ran up the staircase onto the second floor of the apartments, as Deputies [redacted] and Orozco chased the other two suspects, one identified as Suspect Badillo.

Deputy [redacted] said as they reached the apartment complex gate in front of the location, both suspects retrieved firearms from somewhere on their persons and start running with the firearms in their right hands. One suspect ran more south east across the front of 280G2's radio car as they are driving westbound toward Deputies [redacted] and Orozco.

Deputy [redacted] said he made the decision to follow Suspect Badillo, as he [redacted] was approximately five to seven feet behind him; The other suspect would be detained by his assisting deputies and he knew Deputy Orozco was following closely behind him.

Deputy [redacted] ordered Suspect Badillo to stop and drop the gun on numerous occasions. Suspect Badillo ignored the deputies, ran toward and between two parked vehicles, a red Toyota pickup and an SUV on the south sidewalk. He bladed his body toward the right with the firearm in his right hand facing the deputies. Deputy [redacted] said, "I see the barrel. It's looking at me." Deputy [redacted] fired four rounds from his department issued Beretta from approximately five feet away. Suspect Badillo traveled across the front hood of the red Toyota landing on the grass parkway next to the right passenger side door of the red Toyota pick up truck. The firearm Suspect Badillo was carrying landed in the gutter adjacent to the curbside in front of the red Toyota pick up (Refer to **Exhibit B**, copy of a crime scene sketch where shooting occurred).

Deputy [redacted] described hearing Deputy Orozco behind him when they were chasing the suspect. Once the armed suspect turned towards the deputies, and Deputy [redacted] shot at the suspect, he said he did not see Deputy Orozco in his "peripherals." Deputy [redacted] said he was not aware Deputy Orozco had also shot the suspect until after the suspect was approached.

Deputy [redacted]

Deputy [redacted] was interviewed by **Homicide Detectives Dendekker and Schoonmaker** at the Compton Sheriff Station on January 25, 2009.

Deputy [redacted] relayed the same story as he later described in his interview with Internal Affairs. Deputy [redacted] and Deputy Orozco were watching the gang members from a residence north of the party location on 137th Street. As they made the decision to drop down into the yard to contact them, someone yelled out "Police" in Spanish, alerting the partygoers and causing the gang members to start running south through the courtyard. Deputy Orozco had alerted Deputies Magadan and Ramirez to come in off of 137th Street. Deputy [redacted] described as they were running after the suspects, they were both yelling "Sheriff, stop, Sheriff stop."

Deputy [redacted] described the suspects holding on to the right side of their waistbands, which alerted him the suspects were most likely armed. Once the suspects reached the front gate on137th Street, one suspect produced a black handgun, and Suspect Badillo

continued running southbound with a nickel plated handgun. Deputy [redacted] said he heard Deputy Orozco yell, "417 Drop the gun, Drop the gun." Suspect Badillo ignored the deputy's orders and as he approached the south sidewalk, he bladed toward both deputies, holding the handgun in his right hand. Deputy [redacted] said he feared for his and his partner's life and shot what he believed was four to five times. Deputy [redacted] described that the suspect fell through the two parked vehicles, and over the front hood of the parked Toyota truck. Deputy [redacted] approached the suspect, yelling at him to show his hands. Deputy [redacted] said "I see that he is obviously down." At that time he was aware of Deputy Orozco's presence with him, and Deputies Magadan and Ramirez. Realizing there was an additional armed outstanding suspect, Deputy [redacted] said they backed away from the suspect and begin to assess their surroundings due to the large crowd gathering behind them. Medical assistance was requested for the suspect and a containment was established.

Deputy Orozco:

Deputy Orozco was interviewed at the **Internal Affairs Bureau Offices by Sergeants Laura Haynes and Julia Kiser** on August 19, 2010. He was represented by Helen Schwab of Green and Shinee.

Deputy Orozco recalled the same series of events as Deputy [redacted] that led up to the shooting. He described the initial contact of the three "Barrio 13" gang members. He told investigators they met with their sister car to formulate a plan to watch the party and gang members from a position of advantage in the backyard of a residence on 136th Street.

Deputy Orozco said as they observed the "Barrio 13" gang members, they could smell marijuana. The decision was made to jump over the wall and detain the gang members. As Deputy [redacted] went over the wall first, Deputy Orozco heard him yell out, "Hey they're running, 417." Deputy Orozco described as he jumped down from the wall, he saw a male suspect running with a gun in his right hand and Deputy [redacted] in foot pursuit of both suspects. Both suspects and deputies were running toward 137th Street where Deputies Magadan and Ramirez were staged. Deputy Orozco said he transmitted radio traffic on direct alerting Deputy's Magadan and Ramirez one male hispanic was running toward them, and they continued chasing Suspect Badillo who was approximately twenty five to thirty feet in front of them. As Suspect Badillo ran south across the street Deputy Orozco said, "He turned around and it seemed like he was going for cover to, between the two cars and pointed the handgun directly at my partner."

He said when he saw the Suspect pointing his firearm directly at his partner and Deputy [redacted] fired his weapon, he shot two rounds at Suspect Badillo. Deputy Orozco said it appeared Suspect Badillo tripped over the curb and landed south of the red Toyota on the grassy area next to the sidewalk.

Deputy Orozco said Deputies Magadan and Ramirez ran over to their location, transmitted emergent traffic, requested medical aid for the suspect, and began setting up a containment for the second armed outstanding suspect.

Deputy Orozco:

Deputy Orozco was interviewed by **Homicide Detectives Dendekker and Schoonmaker** at Compton Sheriff Station on January 25, 2009. He described the same sequence of events as given by Deputy [redacted] that led up to the shooting.

Deputy Orozco said as he and Deputy [redacted] were observing the party, one of the gang members yelled in Spanish, "Police," as they took off running through the courtyard toward the front of the apartment complex. Realizing they had been seen, Deputy Orozco said they jumped down from the wall and landed inside the courtyard. The suspects took off running south through the courtyard toward 137th Street and the deputies chased the two male Hispanics they had been observing. Deputy Orozco said as he followed his partner and the suspects, a male hispanic moved in front of him, blocking his path with his hands up and said, "I don't got nothing, I don't got nothing." Deputy Orozco pushed him aside and saw Deputy [redacted] close to the front gate. He hurried to catch up to his partner as they reached the front pedestrian gate. At that time he saw Suspect Badillo with a weapon in his right hand. He yelled to Deputy [redacted] "417, 417," then yelled to the suspect, "Drop the gun, drop the gun, drop the gun, drop the fuckin' gun." As Deputies [redacted] and Orozco chased Suspect Badillo, he ran between two vehicles on the south side of the street. Deputy Orozco said Suspect Badillo turned toward him and his partner, so he fired two rounds at the suspect. Deputy Orozco then looked behind him, back toward the location of the party and saw a large crowd slowly moving toward them. He told Deputy Magadan, who had run to their location, "Put it out, put it out, set up a containment," because the other armed male hispanic had continued running south and out of sight.

> **IAB Note**: Refer to **Exhibit E** diagram drawn by Deputy [redacted] and **Exhibit F** diagram drawn by Deputy Orozco during their Internal Affairs Bureau Interviews depicting the shooting location.

WITNESS STATEMENTS:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the recorded interviews and transcriptions.

Deputy Magadan:

Deputy Magadan was interviewed by **Homicide Detectives Dendekker and Schoonmaker** on January 25, 2009 at the Compton Sheriff Station. IAB Sergeants Laura Haynes and Dave Stunson were present during this interview.

Deputy Magadan said he and his partner, Deputy Ramirez, were positioned on 137th Street and Wilmington Avenue in their marked black and white patrol car awaiting a call to roll to the party at [redacted] 137th Street at the direction of Deputies [redacted] and Orozco. He said approximately 15 minutes after they set up, they heard, "Hey, swing around, swing around," transmitted on "direct" via the Sheriff portable radio. As they "swing around" to the front of the apartment complex, Deputy Magadan said he saw two male Hispanics running out of the gate at [redacted] 137th Street. One male hispanic ran southwest in front of their radio car, pushed the gate of [redacted] 137th Street, and ran out of sight. One male hispanic ran south with Deputies [redacted] and Orozco chasing after him. Deputy Magadan said both male Hispanics were running with handguns in their hands.

Deputy Magadan said, "Within seconds we heard gunshots fired prior to being able to put out the traffic." Both deputies ran to just west of their location where they heard the gunshots and saw a deputy-involved shooting had occurred. Deputy Magadan transmitted "10-33" emergency traffic, advised a deputy involved shooting had occurred, and began to set up a containment realizing they had one armed outstanding suspect.

Deputy Ramirez:

Deputy Ramirez was interviewed by **Homicide Detectives Dendekker and Schoonmaker** on January 25, 2009 at the Compton Sheriff Station. IAB Sergeants Laura Haynes and Dave Stunson were present during this interview.

Deputy Ramirez described the same sequence of events as given by Deputy Magadan that led up to the shooting. He described the initial contact of the three "Barrio 13" gang members by Deputies [redacted] and Orozco. He told investigators they met with their sister car to formulate a plan. Deputies [redacted] and Orozco were to watch the party and gang members from a position of advantage in the [redacted] of a [redacted] on [redacted] They were to give them a signal to swing around to 137th Street and intercept any party goers that run from the apartment complex.

Deputy Ramirez added as they drove westbound on 137th Street, they saw two male Hispanics running from the apartment complex and Deputies [redacted] and Orozco chasing Suspect Badillo. Deputy Ramirez exited the patrol vehicle to follow the armed male hispanic running southwesterly in front of their radio car. He described, "He saw him maybe get about 10-15 feet past the pedestrian gate before I heard, um, shots fired." Deputy Ramirez said they immediately directed their attention toward Deputies [redacted] and Orozco. When they reached the deputies they saw the deputies standing in the middle of the street just north of the south sidewalk.

Deputy Ramirez described the suspect as, "lying on the sidewalk near two parked vehicles and a handgun lying on the ground approximately one foot away from the suspect." Immediately medical aid was summoned for Suspect Badillo, and a containment was established for the armed outstanding suspect.

> **IAB NOTE**: Both handguns were recovered the night of the shooting. Although the second suspect was not arrested that night, he was identified as Hector Prieto, also a "Barrio 13" gang member. He was later arrested and charged [redacted] He is currently awaiting trial for that crime, and was not formally charged in this incident.

SUSPECT STATEMENT:

None, suspect deceased.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

June 28, 2010

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 09-0048
L.A.S.D. File No. # 009-01387-2812-013

Dear Captain Smith:

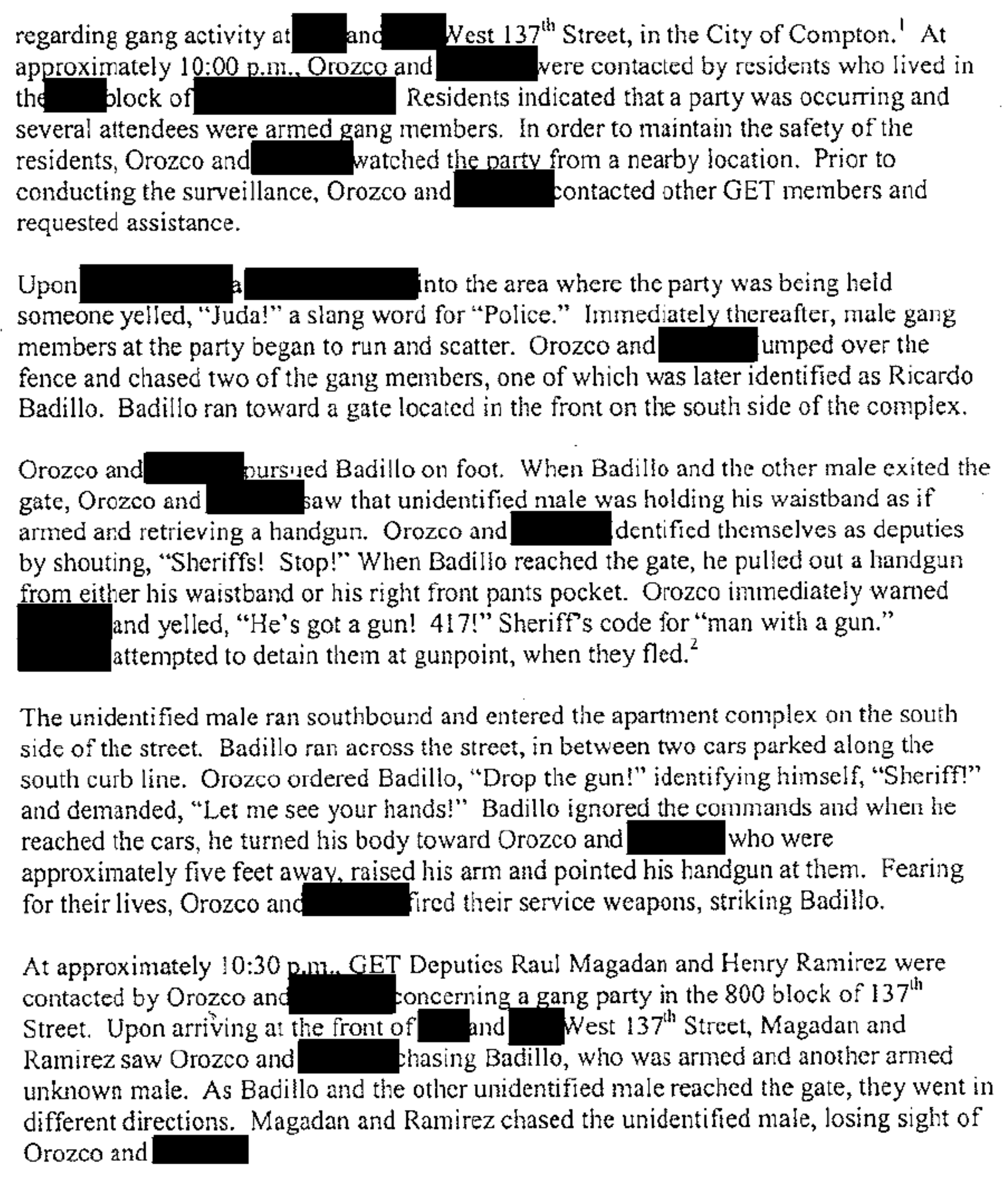
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 24, 2009, fatal shooting of Ricardo Badillo by Los Angeles County Sheriff Deputies [redacted] and Samuel Orozco. We have concluded that Deputies [redacted] and Orozco acted lawfully in self-defense.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements taken during the investigation by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Detective Samuel Dendekker on June 25, 2009. The District Attorney Command Center was notified of the shooting at approximately 2:30 a.m. on January 25, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Renee Cartaya and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On January 24, 2009, [redacted] Deputies Samuel Orozco and [redacted] members of the [redacted] driving a marked black and white Sheriff's vehicle and wearing a Class B uniform, were conducting an investigation

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regarding gang activity at [redacted] and [redacted] West 137th Street, in the City of Compton.[1] At approximately 10:00 p.m., Orozco and [redacted] were contacted by residents who lived in the [redacted] block of [redacted] Residents indicated that a party was occurring and several attendees were armed gang members. In order to maintain the safety of the residents, Orozco and [redacted] watched the party from a nearby location. Prior to conducting the surveillance, Orozco and [redacted] contacted other GET members and requested assistance.

Upon [redacted] a [redacted] into the area where the party was being held someone yelled, "Juda!" a slang word for "Police." Immediately thereafter, male gang members at the party began to run and scatter. Orozco and [redacted] jumped over the fence and chased two of the gang members, one of which was later identified as Ricardo Badillo. Badillo ran toward a gate located in the front on the south side of the complex.

Orozco and [redacted] pursued Badillo on foot. When Badillo and the other male exited the gate, Orozco and [redacted] saw that unidentified male was holding his waistband as if armed and retrieving a handgun. Orozco and [redacted] identified themselves as deputies by shouting, "Sheriffs! Stop!" When Badillo reached the gate, he pulled out a handgun from either his waistband or his right front pants pocket. Orozco immediately warned [redacted] and yelled, "He's got a gun! 417!" Sheriff's code for "man with a gun." [redacted] attempted to detain them at gunpoint, when they fled.[2]

The unidentified male ran southbound and entered the apartment complex on the south side of the street. Badillo ran across the street, in between two cars parked along the south curb line. Orozco ordered Badillo, "Drop the gun!" identifying himself, "Sheriff!" and demanded, "Let me see your hands!" Badillo ignored the commands and when he reached the cars, he turned his body toward Orozco and [redacted] who were approximately five feet away, raised his arm and pointed his handgun at them. Fearing for their lives, Orozco and [redacted] fired their service weapons, striking Badillo.

At approximately 10:30 p.m., GET Deputies Raul Magadan and Henry Ramirez were contacted by Orozco and [redacted] concerning a gang party in the 800 block of 137th Street. Upon arriving at the front of [redacted] and [redacted] West 137th Street, Magadan and Ramirez saw Orozco and [redacted] chasing Badillo, who was armed and another armed unknown male. As Badillo and the other unidentified male reached the gate, they went in different directions. Magadan and Ramirez chased the unidentified male, losing sight of Orozco and [redacted]

A few seconds later, Magadan heard someone yell, "Drop the gun!" As Ramirez was about to enter another gate, he heard someone yell, "Let me see your hands!" Immediately after that, Magadan and Ramirez heard several gunshots. They ran to the

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[1] The "Class B" uniforms consisted of a protective armor vest, with a green cloth over the uniform. The vest cover had a Los Angeles County Sheriff cloth badge affixed to the left breast, a cloth nametag affixed to the right breast, a large patch with the word "Sheriff" on the back of the vest. They each wore a gun belt with their service weapon, handcuffs, pepper spray, and extra ammunition magazine pouches.
[2] [redacted] recognized the unidentified male as someone he had seen earlier in the shift.

south sidewalk east of the apartment complex located at [redacted] West 137th Street and saw Badillo lying face down on the sidewalk. Orozco and [redacted] were detaining Badillo at gunpoint. Magadan and Ramirez saw a chrome-colored handgun lying on the pavement about a foot from Badillo's feet.[3] Magadan requested paramedics. In addition, a revolver was recovered in the rear yard of the residence located at [redacted]

Compton City paramedics arrived at the location and provided treatment to Badillo. Paramedic Jason Velez contacted Doctor Stuart Miller at Long Beach Memorial Hospital via telephone and advised Doctor Miller of Badillo's condition. Doctor Miller pronounced Badillo dead at 10:58 p.m.

On January 26, 2009, Deputy Medical Examiner, Lisa Scheinin, M.D., performed an autopsy on the body of Ricardo Badillo. She determined the cause of death was due to multiple gunshot wounds. A toxicological analysis was conducted as a part of the autopsy and revealed measurable amounts of marijuana in the decedent's blood.

Investigators canvassed the area for witnesses to the shooting but were unable to find any eyewitnesses to the shooting.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. (*People v. Williams* (1977) 75 Cal.App.3d 731.)

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. (*People v. Minifie* (1996) 13 Cal.4th 1055, 1068.)

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. (*People v. Collins* (1961) 189 Cal. App.3d 575.)

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[3] Badillo's gun was a Smith and Wesson, model 4516-1, .45 Auto caliber pistol, serial #TED[redacted] The pistol was observed with the slide fully forward, safety off, the hammer forward, and the magazine containing seven live .45 auto caliber cartridges seated.

[4] This gun was a Smith and Wesson, model 15-3, .38 Special caliber revolver, serial #[redacted] with the hammer forward and the cylinder locked, loaded with six live .38 Special caliber cartridges.

CONCLUSION

The evidence examined in this investigation shows that Ricardo Badillo, armed with a handgun, was repeatedly ordered to stop and drop his weapon. Refusing to comply, Badillo instead pointed his gun at Deputies Orozco and [redacted] Fearing for their lives, they fired their service weapons, striking Badillo and ultimately ending a potentially lethal situation.

Given the rapidly evolving, life-threatening situation that confronted Deputies Samuel Orozco and [redacted] we conclude they acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CORENE S. LOCKE-NOBLE
Deputy District Attorney
(213) 974-3880

c: Deputy [redacted] #[redacted]
Deputy Samuel Orozco #[redacted]